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March 14, 1994

Sherri Estes, Esq.
U.S. EPA - Region V
Office of Regional Counsel (CS-3T)
77 West Jackson Blvd.
Chicago, Illinois 60604

Re: Vallet Paint Service Company
Request To Be Removed From The PRP List Regarding The
Stickney Avenue Landfill And Tyler Street Dump Sites
("Stickney/Tyler Facility")

Dear Ms. Estes:

This letter is a follow-up to our previous discussion concerning the propriety of identifying Vallet Paint Service Company ("Vallet Paint") as a PRP in the Stickney/Tyler Facility matter.

During our last conversation, you informed me that U.S. EPA had interviewed a former Vallet Paint employee who allegedly stated that the company had, in the past, disposed of some of its wastes at the Stickney/Tyler Facility. I stated that if U.S. EPA had received its information from a disgruntled former employee named Larry Sherwin, there was good reason to question the credibility of any statements implicating Vallet Paint. That being the case, you indicated that if Vallet Paint would like to submit information in support of its concerns regarding the credibility of any statements given by former Vallet Paint employees, you would gladly evaluate all such information and determine whether Vallet Paint should continue to receive notices from U.S. EPA in this matter. This correspondence is submitted for that very purpose.

As I explained earlier, Vallet Paint has a number of reasons to doubt the veracity of any statement made by Larry Sherwin in this matter.

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Sherri Estes, Esq.
March 14, 1994
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First, Larry Sherwin was employed at Vallet Paint from approximately 1963 to 1965, and again from approximately 1968 to 1970. Based upon my recent discussions with several former Vallet Paint employees, Mr. Sherwin was fired from his job during his second period of employment with Vallet Paint. This comports with the recollection of Rick Hartley, the current president of Vallet Paint. As such, Larry Sherwin is likely a disgruntled former employee with a grudge against Vallet Paint. Therefore, his statements should be closely scrutinized in this matter.

Second, it appears as though Larry Sherwin has disseminated false information concerning Vallet Paint's alleged waste handling/disposal practices in the past. Specifically, in the litigation commenced by the City of Toledo regarding the Dura Avenue Landfill in Toledo, Ohio, someone provided the City with a very questionable, chemical-specific affidavit implicating Vallet Paint directly. (See Exhibit A attached hereto). Based upon its own internal investigation, Vallet Paint concluded that the affiant must have been Mr. Sherwin. However, when Vallet Paint questioned Mr. Sherwin about providing the affidavit to the City of Toledo, he first denied talking to the City investigators altogether. Thereafter, he admitted to providing the investigators with some type of statement, but denied signing a statement similar in content to the questionable, chemical-specific affidavit contained in Exhibit A to this letter. Thus, Vallet Paint is of the opinion that Larry Sherwin's statements not only lack validity, but credibility and consistency as well.

Third, the investigation conducted by Vallet Paint in order to respond to earlier CERCLA Section 104(e) requests concerning the Stickney/Tyler Facility revealed no nexus between Vallet Paint and the Stickney/Tyler Facility whatsoever. Therefore, any statements made by Larry Sherwin which allegedly establish such a nexus would directly contradict the findings of Vallet Paint's thorough, internal investigation.

Clearly, Vallet Paint's internal investigation in this matter has led it to believe that it is not a PRP with respect to the Stickney/Tyler Facility. The results of said investigation are best summarized by the affidavits attached as Exhibit B hereto. For your information, the affidavits in question are from the former Vallet Paint employees with personal, firsthand knowledge of Vallet Paint's past waste generation, handling and disposal practices. As you will see when you review the affidavits, Vallet Paint sent no waste materials whatsoever to the Stickney/Tyler Facility.

SPENGLER NATHANSON

Sherri Estes, Esq.
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Kindly review the affidavits attached as Exhibit B hereto at your earliest convenience. If after reviewing said documents you agree that Vallet Paint is not a PRP with respect to the Stickney/Tyler Facility, please confirm that Vallet Paint will be dropped from the PRP list in this matter forthwith. If, however, after reviewing the affidavits you have questions concerning the same, feel free to contact me directly and I will do my best to respond to your inquiries.

Lastly, I would like to thank you once again for allowing Vallet Paint to submit this information for U.S. EPA's consideration. Your cooperation in this matter is greatly appreciated.

Very truly yours,

SPENGLER NATHANSON



Shane A. Farolino

SAF:dd

cc: Tom Barounis ✓
Richard B. Hartley
Michael S. Katz, Esq. (w/o encl.)

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EXHIBIT A

- STATEMENT OF

1. I worked for the Valet Paint Company, located on Adams Street between the years of 1963 to 1965 and again between the years of 1968 to 1970.

2. Part of my duties was to make regular runs to the Dura Landfill and to dump chemical waste. I went to the Dura Landfill 2 times per week and took 2 or 3 55 gallon drums each time. The drums contained petro chemicals, naphtha, enamels and lacquer paints. The drums were not always full. Sometimes they contained a residue of 1 to 3 gallons.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 8-28-90

EXHIBIT B

AFFIDAVIT OF ROBERT CAIRNS

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, Robert Cairns, being first duly cautioned and sworn, state as follows:

1. I was employed at Vallet Paint Service Company ("Vallet Paint") located in Toledo, Lucas County, Ohio from approximately 1953 to 1955. During my employment with Vallet Paint, I held the position of delivery driver. The duties and responsibilities associated with that position included making deliveries and doing routine cleaning work.

2. As a result of the above-referenced employment, I became extremely familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

3. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

4. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, the paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

5. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

6. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

7. Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in front of a bulldozer which would spread and cover the materials, which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

8. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of at the Landfill by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

9. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

10. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not typically disposed of at the Landfill by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have filled an empty drum with some empty paint cans, cardboard and paper for disposal at the Landfill.

11. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

12. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

13. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.

Robert Cairns
Robert Cairns

Sworn to before me and subscribed in my presence this 16th
day of February, 1994.

Barbara B. Willhauch
Notary Public

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My Commission expires 5-28-97

AFFIDAVIT OF JAMES G. WALBOLT

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, James G. Walbolt, being first duly cautioned and sworn, state as follows:

1. I am currently self-employed, and have been so employed since 1969.

2. I was employed at Vallet Paint Service Company ("Vallet Paint") located at 1808 Adams Street, Toledo, Lucas County, Ohio from approximately 1957 to 1962. During my employment with Vallet Paint, I held the positions of salesperson and delivery driver. The duties and responsibilities associated with those positions included waiting on customers, making deliveries and hauling material to the dump on a weekly basis.

3. As a result of the above-referenced employment, I became extremely familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

4. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

5. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

6. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

7. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

8. Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in

front of a bulldozer which would spread and cover the materials, which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

9. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of at the Landfill by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

10. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

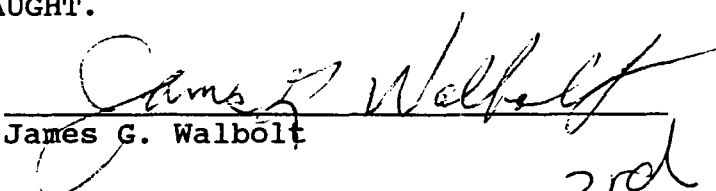
11. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not typically disposed of at the Landfill by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have filled an empty drum with some empty paint cans, cardboard and paper for disposal at the Landfill.

12. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

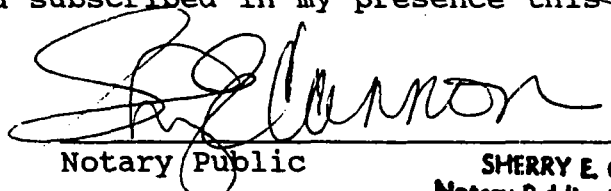
13. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

14. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.


James G. Walbolt

Sworn to before me and subscribed in my presence this 3rd day of March, 1994.


Notary Public

SHERRY E. CANNON
Notary Public, State of Ohio
My Commission Expires Jan. 29, 1998

AFFIDAVIT OF DON POPPE

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, Don Poppe, being first duly cautioned and sworn, state as follows:

1. I am currently employed at Tempglass, Inc. in Perrysburg, Ohio. I have been so employed for approximately one year.

2. I was employed at Vallet Paint Service Company ("Vallet Paint") located at 1808 Adams Street, Toledo, Lucas County, Ohio from the Summer of 1964 to the Spring of 1965. During my employment with Vallet Paint, I held the position of delivery driver. The duties and responsibilities associated with that position included taking orders and making deliveries to customers.

3. As a result of the above-referenced employment, I became familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

4. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

5. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

6. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

7. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

8. To the best of my knowledge, information and belief, Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in front of a bulldozer which would spread and cover the materials,

which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

9. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of at the Landfill by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

10. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

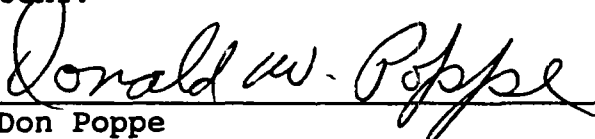
11. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not typically disposed of at the Landfill by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have filled an empty drum with some empty paint cans, cardboard and paper for disposal at the Landfill.

12. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

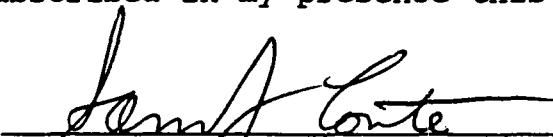
13. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

14. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.


Don Poppe

Sworn to before me and subscribed in my presence this _____
day of February, 1994.


Notary Public

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SAM J. CONTE
Notary Public - State of Ohio
My Commission Expires May 12, 1996

AFFIDAVIT OF STEVE SKEELS

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, Steve Skeels, being first duly cautioned and sworn, state as follows:

1. I am currently employed by the City of Toledo Division of Police. I have been so employed since April 1, 1968.

2. I was employed at Vallet Paint Service Company ("Vallet Paint") located at 1808 Adams Street, Toledo, Lucas County, Ohio from approximately September of 1964 to April 1, 1968. During my employment with Vallet Paint, I held the positions of delivery driver, paint mixer and counterperson. The duties and responsibilities associated with those positions included making deliveries, mixing paint and waiting on customers.

3. As a result of the above-referenced employment, I became extremely familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

4. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

5. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, the paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

6. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

7. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

8. Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in

front of a bulldozer which would spread and cover the materials, which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

9. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of at the Landfill by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

10. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

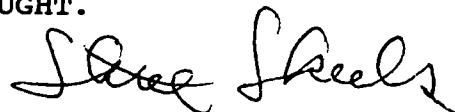
11. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not typically disposed of at the Landfill by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have filled an empty drum with some empty paint cans, cardboard and paper for disposal at the Landfill.

12. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

13. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

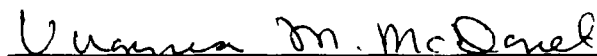
14. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.



Steve Skeels

Sworn to before me and subscribed in my presence this 22 day of February, 1994.



Notary Public

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VIRGINIA M. McDONEL
Notary Public, State of Ohio
My Commission Expires Nov. 19. 1995

AFFIDAVIT OF GENE BOGUCKI

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

I, Gene Bogucki, being first duly cautioned and sworn, state as follows:

1. I am a retired City of Toledo Firefighter. I have been retired since approximately February of 1989. *(EB)*

2. I was employed at Vallet Paint Service Company ("Vallet Paint") located in Toledo, Lucas County, Ohio from approximately 1951 to 1978. During my employment with Vallet Paint, I held the positions of counterperson and warehouse manager. The duties and responsibilities associated with those positions included handling all shipping and receiving matters and dispatching company delivery drivers.

3. As a result of the above-referenced employment, I became extremely familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

4. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, empty cardboard boxes and paper materials.

5. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, the paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

6. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

7. Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in front of a bulldozer which would spread and cover the materials, which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

8. To the best of my knowledge, information and belief, mismixed gallons of paint were not disposed of at the Landfill by Vallet Paint. Mismixed gallons of paint, when generated, were typically (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs. If however, a mismix was detected at the outset of the mixing process, when only small amounts of each color had been combined, the mismixed residue would be disposed of with the empty paint cans generated during the mixing process. This, however, was a very infrequent occurrence.

9. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

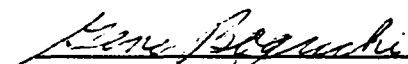
10. To the best of my knowledge, information and belief, no fifty-five gallon drums containing any paints, thinners or other chemicals were ever disposed of at the Landfill by Vallet Paint. Moreover, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have disposed of an empty drum with holes in it (i.e. not capable of being recycled) at the Landfill.

11. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

12. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

13. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.


Gene Bogucki
PROPER NAME Eugene V. Bogucki

Sworn to before me and subscribed in my presence this 27
day of February, 1994.


MARSHALL STOCKARD
Notary Public
Notary Public, State of Ohio
My Commission Expires 1-31-98

AFFIDAVIT OF CHARLES GILLETE

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, Charles Gillete, being first duly cautioned and sworn, state as follows:

1. I was employed at Vallet Paint Service Company ("Vallet Paint") located in Toledo, Lucas County, Ohio from approximately 1962 to 1964. During my employment with Vallet Paint, I held the positions of counterperson and paint mixer. The duties and responsibilities associated with those positions included answering the phone, waiting on customers and mixing paint.

2. As a result of the above-referenced employment, I became familiar with the nature of the waste materials generated by Vallet Paint.

3. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, empty cardboard boxes and paper materials.

4. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

5. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

6. In addition, since the paint mixing process involved a certain amount of hand-mixing, paint spatulas covered with minor amounts of paint residue would periodically have to be cleaned with paint thinner, thus generating approximately one to three gallons of waste paint/thinner mixture per week.

7. To the best of my knowledge, information and belief, any mismixed paint generated by me was either (1) put on the shelf and sold at a reduced rate; or (2) reshaded to the point that it could be used to fill a given customer's order.

8. To the best of my knowledge, information and belief, the drivers for Vallet Paint were instructed to haul the company's

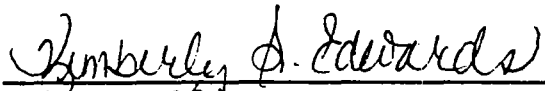
waste materials to the Dura Avenue Landfill (the "Landfill") for disposal. However, I have no personal knowledge of whether such waste materials were, in fact, hauled to the Landfill.

9. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.


Charles Gillete

Sworn to before me and subscribed in my presence this 21
day of February, 1994.


Notary Public

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KIMBERLY S. EDWARDS
Notary Public, State of Ohio
My Commission Expires 10-30-97

AFFIDAVIT OF JOHN W. KING

STATE OF OHIO)
)ss:
COUNTY OF LUCAS)

I, John W. King, being first duly cautioned and sworn, state as follows:

1. I was employed at Vallet Paint Service Company ("Vallet Paint") located in Toledo, Lucas County, Ohio from approximately 1954 to 1980, and from October of 1990 to the present. During my employment with Vallet Paint, I have held various positions including, but not limited to, delivery driver, counterperson, and salesman. The duties and responsibilities associated with those positions included, but were not limited to, making deliveries, waiting on customers, selling paints and thinners, mixing paint, and making sales calls.

2. As a result of the above-referenced employment, I became extremely familiar with not only the nature and amount of waste materials generated by Vallet Paint, but with the handling and disposal of said waste materials by Vallet Paint as well.

3. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

4. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, the paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

5. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

6. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

7. Vallet Paint's waste materials were transported by Vallet Paint employees, using a company pickup truck, to the Dura Avenue Landfill (the "Landfill") for disposal. The waste materials were dumped in the locations identified by the City of Toledo employees running the Landfill. This involved dumping the waste materials in

an area where a bulldozer would spread and cover the materials, which dumping occurred in the same portion of the Landfill used by the City of Toledo garbage trucks.

8. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of at the Landfill by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

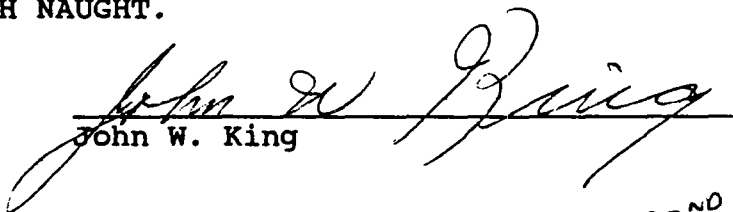
9. To the best of my knowledge, information and belief, paint thinners were never disposed of at the Landfill by Vallet Paint.

10. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not disposed of at the Landfill by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. At no time do I ever remember Vallet Paint taking fifty-five gallon drums to the Landfill for any reason.

11. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal at the Landfill. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

12. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

FURTHER AFFIANT SAYETH NAUGHT.


John W. King

Sworn to before me and subscribed in my presence this 22ND
day of February, 1994.


Notary Public

AFFIDAVIT OF ED SOMMERS

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

I, Ed Sommers, being first duly cautioned and sworn, state as follows:

1. I am currently employed by the City of Toledo, Division of Police. I have been so employed since 1963.

2. I was employed at Vallet Paint Service Company ("Vallet Paint") located at 1808 Adams Street, Toledo, Lucas County, Ohio from approximately 1967 to 1982. During my employment with Vallet Paint, I held the positions of delivery driver and equipment repairman. The duties and responsibilities associated with those positions included delivering products to customers and repairing various pieces of equipment at Vallet Paint.

3. As a result of the above-referenced employment, I became familiar with the nature and amount of waste materials generated by Vallet Paint, and somewhat familiar with the handling and disposal of said waste materials by Vallet Paint as well.

4. Specifically, the waste materials generated by Vallet Paint consisted almost entirely of empty paint cans containing minor amounts of paint residue, paint stir sticks covered with minor amounts of paint residue, empty cardboard boxes and paper materials.

5. The empty paint cans generated by Vallet Paint were the main byproducts of the paint mixing process. If a customer needed a certain color of paint, usually two or more different colors would have to be mixed in order to obtain the desired result. When the paints were mixed, the paint cans would be tilted upside down and drained so as to avoid wasting any paint whatsoever. Thus, empty paint cans containing minor amounts of paint residue were the natural result of the paint mixing process.

6. In addition, since the paint mixing process involved a certain amount of hand-mixing, stir sticks covered with minor amounts of paint residue were also generated.

7. The cardboard boxes disposed of by Vallet Paint were, for the most part, the shipping boxes for the paint cans purchased by Vallet Paint.

8. To the best of my knowledge, information and belief, during my employment with Vallet Paint, its waste materials were picked up for disposal by Oscar Bell Trucking. However, I do not

know where Oscar Bell Trucking hauled Vallet Paint's waste materials for disposal.

9. To the best of my knowledge, information and belief, paint mismixes or "mistakes" were never disposed of by Vallet Paint. Mismixes or "mistakes," when generated, were either (1) put on the shelf and sold at a reduced rate; or (2) donated to vocational schools for use in their shop programs.

10. To the best of my knowledge, information and belief, paint thinners were never disposed of by Vallet Paint.

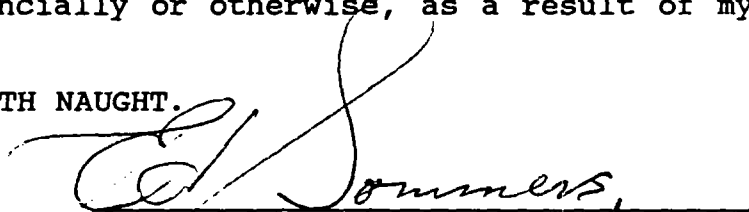
11. To the best of my knowledge, information and belief, fifty-five gallon drums, empty or otherwise, were not typically disposed of by Vallet Paint. To the contrary, any empty drums which accumulated were usually either (1) sold to local drum recycling firms (such as Toledo Drum or Bendix Steel Drum); or (2) given to customers to be used as burning drums. Every so often, however, Vallet Paint may have filled an empty drum with some empty paint cans, cardboard and paper for disposal.

12. To the best of my knowledge, information and belief, Vallet Paint neither instructed nor permitted its delivery drivers to pick up waste materials from any of its customers for disposal. During my employment with Vallet Paint, I never picked up waste materials from any Vallet Paint customer for disposal.

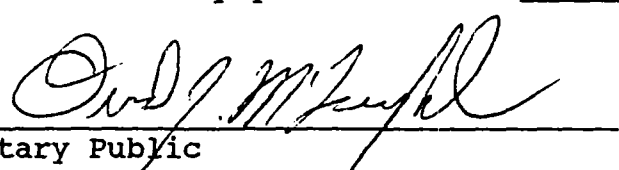
13. I have reviewed the statement given to the City of Toledo investigators in the Dura Avenue Landfill matter by a former Vallet Paint employee. Based upon my employment and experience with Vallet Paint, I disagree with the statement completely.

14. I am no longer employed by Vallet Paint and do not stand to gain in any way, financially or otherwise, as a result of my giving this statement.

FURTHER AFFIANT SAYETH NAUGHT.


Ed Sommers

Sworn to before me and subscribed in my presence this 24th
day of February, 1994.


Notary Public

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OVID J. McLAUGHLIN
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES APRIL 14, 1998